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Attorneys for Plaintiffs

L.C., I.H., A.L., and Antonia Salas Ubaldo

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

L.C., a minor by and through her
guardian *ad litem* Maria Cadena,
individually and as successor-in-interest
to Hector Puga; I.H., a minor by and
through his guardian *ad litem* Jasmine
Hernandez, individually and as
successor-in-interest to Hector Puga;
A.L., a minor by and through her
guardian *ad litem* Lydia Lopez,
individually and as successor-in-interest
to Hector Puga; and ANTONIA SALAS
UBALDO, individually;

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
nominal defendant; ISAAH KEE;
MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA; ROBERT
VACCARI; JAKE ADAMS; and DOES
6-10, inclusive,

Defendants.

Case No. 5:22-cv-00949-KK-SHK

Honorable Kenly Kiya Kato

**PLAINTIFFS' PROPOSED VOIR
DIRE**

1 **TO THE HONORABLE COURT:**

2 Pursuant to the Court's Civil Trial Scheduling Order, Plaintiffs L.C., a minor by and
3 through her guardian *ad litem* Maria Cadena; I.H., a minor by and through his
4 guardian *ad litem* Jasmine Hernandez; A.L., a minor by and through her guardian *ad*
5 *litem* Lydia Lopez, and Antonia Salas Ubaldo, by and through their attorney of
6 record, hereby submits their Proposed Voir Dire.

7

8 Respectfully submitted,

9 DATED: May 8, 2025

LAW OFFICES OF DALE K. GALIPO

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Bv /s/ *Hang D. Le*

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Dale K. Galipo

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Hang D. Le

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Attorneys for Plaintiffs

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PLAINTIFFS' PROPOSED VOIR DIRE

Questions re Criminal History¹

1. Do you know anyone who has ever been arrested or convicted of a crime?
2. Do you have any feelings, thoughts, or preconceptions about people who have been arrested or convicted of multiple crimes?
3. Do you think it would be difficult to be fair to both sides if you heard evidence that one of the parties had been arrested or convicted of crimes in the past?
4. If you heard evidence that one of the parties had been arrested or convicted of a crime in the past, do you think that you could still find that the officers' use of force was unreasonable?
5. If you learned that a person was arrested or convicted of a crime, would you believe that he deserves the same protection under the law as everyone else?
6. If you learned that a person had been in jail or prison in the past, would you believe that he deserves the same protection under the law as everyone else?

Questions re Drug Bias²

1. Do you have any feelings, thoughts, or preconceptions about people who take illegal drugs?
2. Do you think it would be difficult to be fair to both sides if you heard evidence that one of the parties had used methamphetamine?
3. Do you have any strong feelings about methamphetamine?
4. Do you know any who has used any illegal drug?
5. Do you have any particular knowledge or information regarding the effects of methamphetamine on a person?

¹ Plaintiff requests this Court voir dire the jury on drug bias only in the event the Court denies Plaintiff's motion *in limine* on the subject.

² Plaintiff requests this Court voir dire the jury on drug bias only in the event the Court denies Plaintiff's motion *in limine* on the subject.

- 1 6. Could you put aside whatever knowledge, information or preconceptions you
- 2 may have about alcohol and listen to the evidence?
- 3 7. If this Court instructs you that people have the right to be free from excessive
- 4 force by police officers, do you have any feelings one way or another, about
- 5 whether a person who takes an illegal drug deserves the same protection from
- 6 excessive force by police officers as everyone else?
- 7 8. Do you have any feelings, one way or another, about whether a person who
- 8 takes an illegal drug has the same right to bring a claim in court for violations
- 9 of their rights as does everyone else? Could you put aside whatever
- 10 knowledge, information or preconceptions you may have about this and listen
- 11 to the evidence?
- 12 9. Can you put aside any negative feelings you may have about illegal drugs and
- 13 give both parties a fair trial based on the issue of whether the force used by the
- 14 defendant on the plaintiff was reasonable or not?
- 15

16 **Questions re Alcohol Bias**³

- 17 1. Do you think it would be difficult to be fair to both sides if you heard
- 18 evidence that one of the parties had used alcohol?
- 19 2. Could you put aside whatever knowledge, information or preconceptions you
- 20 may have about alcohol and listen to the evidence?
- 21 3. If this Court instructs you that people have the right to be free from excessive
- 22 force by police officers, do you have any feelings one way or another, about
- 23 whether a person who is under the influence of alcohol deserves the same
- 24 protection from excessive force by police officers as everyone else?
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27 ³ Plaintiff requests this Court voir dire the jury on drug bias only in the event the

28 Court denies Plaintiff's motion *in limine* on the subject.

4. Do you have any feelings, one way or another, about whether a person who is under the influence of alcohol has the same right to bring a claim in court for violations of their rights as does everyone else? Could you put aside whatever knowledge, information or preconceptions you may have about this and listen to the evidence?
5. Can you put aside any negative feelings you may have about alcohol and give both parties a fair trial based on the issue of whether the force used by the defendant on the decedent was reasonable or not?

Questions re Gang Bias⁴

Plaintiffs respectfully request the Court reserve asking specific questions on gang bias for Plaintiffs' counsel, so that counsel may have an opportunity to word these questions in a way that prevents further prejudice to plaintiffs on the issue.

Questions re Flight from Police, Weapons, and Bias

1. If you learned that a person ran from police, would you presume that that person committed a crime?
2. Do you believe that a police officer has the right to punish a person who runs from the police?
3. If you learned that a person was in possession of a firearm, would you presume the person is a danger to others?
4. If you learned that a person ran from police while in possession of a firearm, would you presume the person is a danger to others?
5. Do you believe that a police officer has the right to punish a person who runs from the police with a firearm?

⁴ Plaintiff requests this Court voir dire the jury on drug bias only in the event the Court denies Plaintiff's motion *in limine* on the subject.

Questions re Peace Officer Bias

1. Do you think police officers get portrayed unfairly by the media?
2. Everything else being equal, would you be more likely to believe a police officer's testimony than the testimony of a non-police officer?
3. Do you think a police officer who is a defendant in a civil case is capable of testifying falsely under oath?
4. Do you think that a police officer is capable of testifying falsely under oath to support a fellow officer?
5. Have you ever been a victim of a crime?
 - A. For what crime?
 - B. Did you have a positive or negative impression of law enforcement as a result?
 - C. Could you set that experience aside and be fair to both sides?
6. Have any of your close family members or friends been a victim of a crime?
 - a. For what crime?
 - i. Did you have a positive or negative impression of law enforcement as a result?
 - C. Could you set that experience aside and be fair to both sides?
7. Are you or any of your family members or close friends current or former government employees or police officers?
 - A. If yes, what agency and what type of job?
12. Are you or any of your family members or close friends current or former service members in any division or branch of our military?
 - A. If yes, what agency and what type of job?
13. Are you or is anyone you know a current or former peace officer?
 - A. Who, what agency, and how long?
14. Have you or has anyone you know attended or applied to attend any law enforcement academy or basic training?

1 15. Have you or has anyone you know worked as or applied to work as a
2 firefighter, paramedic, or other type of emergency response personnel?
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4 **Questions re: Juror Connection to Defendants**

5 1. Have you, a family member, or any of your close friends had any contact or
6 association with the California Highway Patrol, the State of California, or any
7 of its employees? If so:

8 A. Describe the circumstances of the contact or association.

9 B. Are there any ill feelings that you, your family, or any of your
10 close friends hold toward the California Highway Patrol or any
11 of its employees? If so, please explain.

12 C. Would you view the evidence differently because of your past
13 experience with the California Highway Patrol or any of its
14 employees?

15 17. Are you or is anyone you know a current or former employee for the State of
16 California or any of its agencies?

17 A. Who do you know?

18 B. What is or was their job?

19 C. How long were they employed?
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21 **Questions re Justiciability of Peace Officer Conduct**

22 1. Do you think that our society should hold police officers liable in court when
23 they violate people's rights?

24 2. Do you think that police officers should be able to use as much force as they
25 want when detaining or arresting someone?

26 3. Do you think that our society should restrict the amount of force that police
27 officers can use when they are detaining or arresting people?
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1 4. You will hear a lot of evidence and testimony in this case. However, if the
2 Court were to instruct you that your decision should be based only on what
3 the police officer knew at the time of his use of force, would you be able to
4 set aside evidence and information that the officer unknown to the officer
5 when he used force?
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